

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KAREN K. RANNEY
4407 Street Francis Drive
Independence, KY 41051

DENISE ABT
6826 Kenbyrne Court
Cincinnati, OH 45239

YEMULA ADKINS
4936 Logsdons Meadow Drive
Liberty Township, OH 45011

LARRY AVERBECK
807 Greer Avenue
Covington, KY 41011

KAREN BAILLIE
4310 Nixon Road
Rising Sun, IN 47040

CYNTHIA BAKER
8663 Brent Drive
Cincinnati, OH 45231

SHARYN BARBIEA
2316 Joyce Avenue
Newport, KY 41071

MARVELENE BARR
3053 Westknolls Lane
Cincinnati, OH 45211

TAMARA BARTON
1550 Thornberry Road
Amelia, OH 45102

SHEILA BATTLE
P.O. Box 24363
Cincinnati, OH 45224

DAVID BENNETT
1510 Monroe Street
Covington, KY 41014

: CASE NO.: 1-08-CV-137

:
: Judge Michael R. Barrett

:
: **PLAINTIFFS' THIRD**
: **AMENDED CLASS ACTION AND**
: **COLLECTIVE ACTION COMPLAINT**
: **FOR AGE AND SEX DISCRIMINATION**

:
: **JURY DEMAND ENDORSED HEREON**

NANCY BINGHAM
2970 Douglas Terrace
Cincinnati, OH 45212

MELISSA BLANKENSHIP
4812 Dartmouth Drive
Burlington, KY 41005

MICHELLE BORS
604 Linden Street
Ludlow, KY 41016

VICTORIA BROADNAX
2549 Hackberry Street
Cincinnati, OH 45206

ELAINE BROCK
23 Wilbers Lane
Fort Thomas, KY 41075

SHERI BROWN
126 Sanders Drive
Florence, KY 41042

LINDA BYERS
445 Elk Lake Resort Road
Owenton, KY 40359

DIANNA CAMERON-THOMAS
5486 Cedar Breaks Court
Fairfield, OH 45014

LAVERNE R. CHANCELLOR
6404 Montgomery Road, Apt. #1
Cincinnati, OH 45213

PAMELA CHILDERS
90 Gettysburg Square Road, Apt. #92
Ft. Thomas, KY 41075

DENISE M. COGGINS
1534 Beaverton
Cincinnati, OH 45237

MARY BETH CONRADI
3056 Lindsey Drive
Edgewood, KY 41017

LINDA COOPER	:
	:
ANGIE CRAGO	:
744 Wards Corner Road	:
Loveland, OH 45140	:
	:
KIM M. CROSBY	:
5072 Eaglesview Drive	:
Cincinnati, OH 45244	:
	:
NANCY DAHLENBURG	:
108 Robson Avenue, Apt. #3	:
Ft. Thomas, KY 41075	:
	:
ROBIN DAVIS-HENDERSON	:
1332 Chapel Street, Apt. #2	:
Cincinnati, OH 45206	:
	:
ROCHELL DAWSON	:
6621 S. Oak Knoll Drive	:
Cincinnati, OH 45224	:
	:
DEBORAH DORSEL	:
1150 Parkside Drive	:
Alexandria, KY 41001	:
	:
LORI A. DUENHOFT	:
5540 Raceview Avenue	:
Cincinnati, OH 45248	:
	:
NANCY EGAN	:
1021 Woodway Drive	:
Villa Hills, KY 41017	:
	:
KELLY ELAM	:
2653 Ten Mile Road	:
Melbourne, KY 41059	:
	:
JILL ELSENER	:
2927 Minot Avenue	:
Cincinnati, OH 45209	:
	:
EDWARD EMRATH	:
541 Tuscany Valley Court, Apt. #6	:
Crestview Hills, KY 41017	:

VERNICE FESSEL
1376 Anderson Ferry Road
Cincinnati, OH 45238

MARY FETICK
2594 Laura Lane
Cincinnati, OH 45212

JUDITH GIBSON
11651 Norbourne Drive, Unit #606
Cincinnati, OH 45240

LYNNE GLANDORF
6148 Squirrelwoods Lane
Cincinnati, OH 45247

GARY R. GOODWIN
60 Donnelly Drive
Ft. Thomas, KY 41075

HOLLY GREENE
710 Lullaby Court
Cincinnati, OH 45238

JANICE GRUBER
1686 Emerald Glade Lane
Cincinnati, OH 45255

NANCY GWINN
462 McIntosh Drive
Cincinnati, OH 45255

JEAN HALEY
1000 Hickory Trace Drive
Wilmington, OH 45177

VIRGINIA HALL
1113 Bank Street
Cincinnati, OH 45214

DEBORAH HARPER
848 East Mitchell Avenue, #1
Cincinnati, OH 45229

VIVIAN HARVEY
3526 Powner Road
Cincinnati, OH 45248

GREGORY HASTINGS
807 Greer Avenue
Covington, KY 41011

SHARON HAZARD
269 Earnshaw Avenue
Cincinnati, OH 45219

MARY HEDRICK
380 Caroline Street
New Richmond, OH 45157

ELIZABETH HELBLING
310 Garrard Street, Apt. #2
Covington, KY 41011

JANET L. HENDERSON
1562 Shady Cove Lane
Florence, KY 41042

JACKIE HENTHORN
3439 Cheviot Avenue
Cincinnati, OH 45211

LAURIE HERALD
3118 Beech Avenue
Covington, KY 41015

JULIE HUNLEY
13478 Service Road
Walton, KY 41094

AMIEL ISRAEL
6607 Plainfield Road
Cincinnati, OH 45236

THERESA L. (TERRI) JANSZEN
25 Sabre Drive
Cold Spring, KY 41076

DARRYL JONES
2887 Springdale Road
Cincinnati, OH 45251

DERRYN JONES
3548 Larkspur Avenue
Cincinnati, OH 45208

GRACE ANN KILGORE
1811 Franklin Meadows
New Richmond, OH 45157

AMY KINDT
113 West Orchard
Ft. Mitchell, KY 41011

DEBORAH KOESTER
710 Linden Avenue
Newport, KY 41071

GAIL KOMNENOVICH
154 Kentucky Drive
Newport, KY 41071

LINDA KRAMER

DONNA LANGENBRUNNER
6629 Muddy Creek Road
Cincinnati, OH 45233

SUSAN M. LARSON
10967 Appaloosa Drive
Richwood, KY 41094

NANCY LEEDY
936 Outlook Ridge Lane
Villa Hills, KY 41017

LAURA LEHMKUHL
3306 Rainbow Terrace
Erlanger, KY 41018

MADELINE LONGMIRE
1539 Northwood Drive
Cincinnati, OH 45237

GINA MARQUARDT
2701 Ridgecrest Lane
Covington, KY 41017

SUZANNE MARTIN
3807 Brogan Court
Burlington, KY 41005

DONNA MAUPIN
6219 South Dixie Highway
Franklin, OH 45005

EVETTE MCCLURE
513-348-8416

SHARON MEESE
2190 Tantallon Drive
Ft. Mitchell, KY 41017

URSULA MINOR
3840 Enterprise Circle
Cincinnati, OH 45252

PATTIE MURPHY

LISA NESSLER
246 Bluegrass Avenue
Southgate, KY 41017

LINDA MARIE NIEHAUS
10150 Tiburon Drive
Florence, KY 41042-3133

KRIS NIEMEYER
3626 WaLaneut Park Drive
Alexandria, KY 41001

JEANIE NORTON
40895 White Road
Albany, OH 45710

LEEANN O'ROURKE
149 Greenhill Drive
Covington, KY 41017

ARACELI ORTIZ
3523 Mary Ann Lane
Cincinnati, OH 45213

SHERMAINE OWENS
2100 Sinton Avenue, Unit #5
Cincinnati, OH 45206

LOUISE PFAEHLER
6316 Bedford Street
Cincinnati, OH 45227

ROBIN POTTEBAUM
8260 Gwilada Drive
Cincinnati, OH 45236

RYNA RAJAGOPAL
2555 Civic Center Drive
Cincinnati, OH 45231

CHARLES REYNOLDS
5057 Sandman Drive, Apt. #123
Taylor Mill, KY 41015

GERALDINE ROBINSON
6205 Manuel Street
Cincinnati, OH 45227

LANA ROBINSON
456 Happy Drive
Cincinnati, OH 45238

DEBORAH ROGERS
2232 Clarkston Lane
Union, KY 41091

KAREN SAAB
6072 Muddy Creek Road
Cincinnati, OH 45233

OLIVIA SAYLOR

SUZANNE SANCHEZ
1090 Loveland-Madeira Road, #5
Loveland, OH 45140

MICHAEL SCHERPENBERG
801 Jilbe Lane
Loveland, OH 45140

KAMA D. SCHNEIDER
1007 Vixen Drive
Cincinnati, OH 45245

CATHY SCOTT

ALAN SEFAKIS

JUDY SEXTON
1808 Devils Backbone Road
Cincinnati, OH 45233

LORI J. SEYMOUR
6522 Britton Avenue
Cincinnati, OH 45227

JOANNE D. SHREVE
3544 Saybrook Avenue
Cincinnati, OH 45208

ANGELA K. SIMONS
12 Abi Lane
Ft. Thomas, KY 41075

KATHY SKETCH
3501 LincoLane Avenue
Covington, KY 41015

PAMELA J. SMITH
414 Watkins Street, Apt. #1
Covington, KY 41011

PATRICIA J. SMITH
2870 Mellwood Road
Hamilton, OH 45011

LISA STARKEY
6227 Rustler Court
Loveland, OH 45140

LORA STEPHENSON
1214 Chickadee Court
Edgewood, KY 41018

ERVIN STIERS
5118 Breckenridge
Cincinnati, OH 45247

LINDA STIERS
6539 Montevista Drive
Cincinnati, OH 45224

DIANE STRICKER
974 Clough Pike
Cincinnati, OH 45245

ENID SUNDERMAN
3736 Wieman Avenue
Cincinnati, OH 45205

HEIDI TAMERIS
11365 Pomo Court
Cincinnati, OH 45249

REBECCA TAYLOR
2110 Maryland Avenue
Covington, KY 41014

ANITA J. THOMAS
1128 Eastgate Drive
Cincinnati, OH 45231

VICKI THOMAS
1852 Blackstone Place
Cincinnati, OH 45237

PATRICIA THORNTON
821 West Galbraith Road
Cincinnati, OH 45231

KRISTA TORBECK
5623 Flagstone Way
Milford, OH 45150

CHRISTOPHER TUKE
3145 Clifford Avenue
Latonia, KY 41015

DIANE S. TULL
1057 Crisfield Drive
Cincinnati, OH 45245

TERESA TURNER
114 Holiday Lane
Ft. Thomas, KY 41075

THERESA ANNETTE TYE
8300 Wicklow Avenue
Cincinnati, OH 45236

JULIANA UTZ
10887 Appaloosa Drive
Walton, KY 41094

GAIL WALTER
5664 Bischoff Hill Road
West Harrison, IN 47060

NANCY WALZ
970 Villa Drive
Villa Hills, KY 41017

SHARRON WATKINS
1664 Continental Drive
Cincinnati, OH 45246

ROBIN WEBB
402 Millrace Drive
Cold Spring, KY 41076

PHYLLIS WELLMAN
6235 Desmond Street
Cincinnati, OH 45227

JANNIFER L. WEST
6360 Cheviot Road, Unit #4
Cincinnati, OH 45247

BENITA SIMPSON WILLIAMS
5924 Morning Dew Court
Cincinnati, OH 45237

PATRICIA MANN WILLIAMS
3297 Wemyss Drive
Cincinnati, OH 45251

GAYLA A. WINTZINGER
7 Bookbinder Place
Fairfield, OH 45014

CYNTHIA E. WISE
530 Aston View Lane
Cleves, OH 45002

SHAUNA ZAMORA
735 Yorkhaven Road
Cincinnati, OH 45246

(Individually and on behalf of all other
persons similarly situated)

Plaintiffs,

v.

AMERICAN AIRLINES, INC.
4333 Amon Carter Boulevard
MD 5675
Fort Worth, Texas 76155

and

AMR CORPORATION
4333 Amon Carter Boulevard
Fort Worth, Texas 76155

Defendants.

INTRODUCTION - NATURE OF "COLLECTIVE ACTION" AND CLASS ACTION

Plaintiffs on behalf of themselves and all other members of the Plaintiff Class hereinafter described by way of Complaint, hereby state:

1. This is a "collective action" and class action instituted by Plaintiffs as a result of Defendants' decision to close their Cincinnati Reservations Office and terminate Plaintiffs' employment.

2. To pursue claims under the federal Age Discrimination in Employment Act as amended ("ADEA"), aggrieved persons are not permitted to institute "Rule 23" class actions, but rather are required to institute a "collective action" pursuant to Section 216 of the Fair Labor Standards Act ("FLSA"). Collective actions are substantially similar to traditional class actions, but require individuals to "opt in" to the litigation.

3. To pursue claims under Ohio law for age and/or sex discrimination, aggrieved persons are permitted to institute Rule 23 class actions.

4. Plaintiffs are bringing this action as a collective action under the ADEA and as a class action pursuant to Rule 23, F.R. Civ. P.

PARTIES

5. Defendant American Airlines is an international airline based in Fort Worth, Texas. American Airlines is a subsidiary of AMR Corporation. Defendant is headquartered in Fort Worth, Texas and maintains its principal place of business in Texas.

6. Defendant AMR Corporation is a commercial aviation business and airline holding company headquartered in Fort Worth, Texas. AMR Corporation owns American Airlines. Defendant is headquartered in Fort Worth, Texas and maintains its principal place of business in Texas.

7. Defendants are "employers" within the meaning of the ADEA and Ohio law.

8. Plaintiff Karen Ranney is 50 years old and has worked for Defendants since December 8, 1986.

9. Plaintiff Nancy Leedy is over 50 years old and is the Employee Advisory Council (EAC) Chairperson for Plaintiffs. Leedy began her employment with Defendant in March 1987.

10. Plaintiff Elaine Brock is 52 years old and is an employee of Defendants.

11. Plaintiff Pam Childers is 57 years old and has worked for Defendants for 24 years.

12. Plaintiff Suzanne Sanchez is 56 years old and has worked for Defendants for 12 years.

13. Plaintiff Robin Pottebaum is 50 years old and has worked for Defendants since 1980.

14. Plaintiff Sharron Watkins is 48 years old and has worked for Defendants for 21 years.

15. Plaintiff Diane Stricker is 43 years old and has worked for Defendants for 21 years.

16. Plaintiff Vivian Harvey is 54 years old and has worked for Defendants for 13 years.

17. Plaintiff Deborah Koester is 46 years old and has worked for Defendants for 23 years.

18. Plaintiff Kama Schneider is 41 years old and has worked for Defendants for 22 years.

19. Plaintiff Lori Duenhoft is 44 years old and has worked for Defendants for 22 years.

20. Plaintiff Araceli Ortiz is 41 years old and has worked for Defendants for 12 years.
21. Plaintiff Derryn Jones is 42 years old has worked for Defendants for 21 years.
22. Plaintiff Cynthia Wise is 58 years old and has worked for Defendants for 12 years.
23. Plaintiff Patricia Mann Williams is 44 years old and has worked for Defendants for 18 years.
24. Plaintiff Jean Haley is over 40 years old and is employed by Defendants.
25. Plaintiff Linda Kramer is over 40 years old and has worked for Defendants for 20 years.
26. Plaintiff Heidi Tameris is 49 years old and has worked for Defendants for over 12 years.
27. Plaintiff Pattie Murphy is 48 years old and has worked for Defendants for 28 years.
28. Plaintiff Robin Webb is over 40 years old and is employed by Defendants.
29. Plaintiff Madeline Longmire is 46 years old and has worked for Defendants for 22 years.
30. Plaintiff Sharon Meece is over 40 years old and has worked for Defendants for 21 years.
31. Plaintiff Benita Simpson Williams is 44 years old and has worked for Defendants for 19 years.
32. Plaintiff Deborah Harper is over 40 years old and is employed by Defendants.
33. Plaintiff LeeAnn O'Rourke is 51 years old and is employed by Defendants.
34. Plaintiff Karen Baillie is 50 years old and has worked for Defendants for 31 years.
35. Plaintiff Lora Stephenson is over 40 years old is employed by Defendants.
36. Plaintiff Michael Scherpenberg is 45 years old and has worked for Defendants for 13 years.

37. Plaintiff Deborah Dorsel is 43 years old and has worked for Defendants for 22 years.
38. Plaintiff Tamara Barton is 45 years old and has worked for Defendants for 21 years.
39. Plaintiff Denise Abt is 41 years old and has worked for Defendants for 22 years.
40. Plaintiff Yemula Adkins is 43 years old and has worked for Defendants for 14 years.
41. Plaintiff Larry Averbeck is 51 years old and has worked for Defendants for 29 years.
42. Plaintiff Cynthia Baker is 49 years old and has worked for Defendants for 22 years.
43. Plaintiff Sharyn Barbica is 61 years old and has worked for Defendants for 23 years.
44. Plaintiff Marvelene Barr is 43 years old and has worked for Defendants for 12 years.
45. Plaintiff Sheila Battle is 45 years old and has worked for Defendants for 21 years.
46. Plaintiff David Bennett is 49 years old and has worked for Defendants for 22 years.
47. Plaintiff Nancy Bingham is 59 years old and has worked for Defendants for 25 years.
48. Plaintiff Melissa Blankenship is 42 years old and has worked for Defendants for 21 years.
49. Plaintiff Michelle Bors is 52 years old and has worked for Defendants for 18 years.
50. Plaintiff Victoria Broadnax is 51 years old and has worked for Defendants for 22 years.
51. Plaintiff Sheri Brown is 60 years old and has worked for Defendants for 36 years.
52. Plaintiff Linda Byers is over 40 years old and has worked for Defendants for 18 years.
53. Plaintiff Dianna Cameron-Thomas is 51 years old and has worked for Defendants for 23 years.
54. Plaintiff LaVerne Chancellor is 52 years old and has worked for Defendants for 24 years.
55. Plaintiff Denise Coggins is over 40 years old and has worked for Defendants for many years.

56. Plaintiff Mary Beth Conradi is 47 years old and has worked for Defendants for 20 years.

57. Plaintiff Linda Cooper is 46 years old and has worked for Defendants for 3 years.

58. Plaintiff Angie Craigo is 52 years old and has worked for Defendants for 22 years.

59. Plaintiff Kim Crosby is 46 years old and has worked for Defendants for 13 years.

60. Plaintiff Nancy Dahlenburg is 42 years old and has worked for Defendants for 12 years.

61. Plaintiff Robin Davis-Henderson is 52 years old and has worked for Defendants for 23 years.

62. Plaintiff Rochell Dawson is 40 years old and has worked for Defendants for 19 years.

63. Plaintiff Nancy Egan is 51 years old and has worked for Defendants for 13 years.

64. Plaintiff Kelly Elam is 46 years old and has worked for Defendants for 23 years.

65. Plaintiff Jill Elsener is 53 years old and has worked for Defendants for 32 years.

66. Plaintiff Edward Emrath is 54 years old and has worked for Defendants for 14 years.

67. Plaintiff Vernice Fessel is 51 years old and has worked for Defendants for 29 years.

68. Plaintiff Mary Fetick is 45 years old and has worked for Defendants for 19 years.

69. Plaintiff Judith Gibson is 58 years old and has worked for Defendants for 23 years.

70. Plaintiff Lynne Glandorf is 54 years old and has worked for Defendants for 29 years.

71. Plaintiff Gary Goodwin is 52 years old and has worked for Defendants for 32 years.

72. Plaintiff Holly Greene is 45 years old and has worked for Defendants for 19 years.

73. Plaintiff Janice Gruber is 60 years old and has worked for Defendants for 32 years.

74. Plaintiff Nancy Gwinn is 49 years old and has worked for Defendants for 22 years.

75. Plaintiff Sharyn Barbica is 61 years old and has worked for Defendants for 23 years.

76. Plaintiff Virginia Hall is 63 years old and has worked for Defendants for 19 years.

77. Plaintiff Gregory Hastings is 55 years old and has worked for Defendants for 36 years.

78. Plaintiff Sharon Hazard is 49 years old and has worked for Defendants for 24 years.

79. Plaintiff Elizabeth Helbling is 45 years old and has worked for Defendants for 13 years.

80. Plaintiff Janet Henderson is 56 years old and has worked for Defendants for 35 years.

81. Plaintiff Mary Hedrick is 45 years old and has worked for Defendants for 21 years.

82. Plaintiff Jackie Henthorn is over 40 years old and has worked for Defendants for many years.

83. Plaintiff Laurie Herald is 44 years old and has worked for Defendants for 23 years.

84. Plaintiff Julie Hunley is 45 years old and has worked for Defendants for 21 years.

85. Plaintiff Amiel Israel is 45 years old and has worked for Defendants for 23 years.

86. Plaintiff Theresa Janszen is 52 years old and has worked for Defendants for 29 years.

87. Plaintiff Darryl Jones is 40 years old and has worked for Defendants for 12 years.

88. Plaintiff Grace Ann Kilgore is 53 years old and has worked for Defendants for 24 years.

89. Plaintiff Amy Kindt is 43 years old and has worked for Defendants for 22 years.

90. Plaintiff Gail Komnenovich is 51 years old and has worked for Defendants for 29 years.

91. Plaintiff Donna Langenbrunner is 51 years old and has worked for Defendants for 29 years.

92. Plaintiff Susan Larson is 51 years old and has worked for Defendants for 24 years.

93. Plaintiff Laura Lehmkuhl is 42 years old and has worked for Defendants for 20 years.

94. Plaintiff Gina Marquardt is 45 years old and has worked for Defendants for 20 years.

95. Plaintiff Suzanne Martin is 54 years old and has worked for Defendants for 35 years.
96. Plaintiff Donna Maupin is 50 years old and has worked for Defendants for 30 years.
97. Plaintiff Evette McClure is 40 years old and has worked for Defendants for 19 years.
98. Plaintiff Ursula Minor is 51 years old and has worked for Defendants for 26 years.
99. Plaintiff Lisa Nessler is 48 years old and has worked for Defendants for 22 years.
100. Plaintiff Linda Marie Niehaus is 52 years old and has worked for Defendants for 29 years.
101. Plaintiff Kris Niemeyer is over 40 years old and has worked for Defendants for many years.
102. Plaintiff Laurie Herald is 44 years old and has worked for Defendants for 23 years.
103. Plaintiff Jeanie Norton is 46 years old and has worked for Defendants for 23 years.
104. Plaintiff Laurie Herald is 44 years old and has worked for Defendants for 23 years.
105. Plaintiff Shermaine Owens is 54 years old and has worked for Defendants for 32 years.
106. Plaintiff Louise Pfaehler is 38 years old and has worked for Defendants for 13 years.
107. Plaintiff Laurie Herald is 44 years old and has worked for Defendants for 23 years.
108. Plaintiff Ryna Rajagopal is 42 years old and has worked for Defendants for 19 years.
109. Plaintiff Laurie Herald is 44 years old and has worked for Defendants for 23 years.
110. Plaintiff Charles Reynolds is 61 years old and has worked for Defendants for 8 years.
111. Plaintiff Geraldine Robinson is over 40 years old and has worked for Defendants for many years.
112. Plaintiff Lana Robinson is 40 years old and has worked for Defendants for 21 years.
113. Plaintiff Deborah Rogers is 56 years old and has worked for Defendants for 22 years.
114. Plaintiff Karen Saab is 50 years old and has worked for Defendants for 23 years.

115. Plaintiff Olivia Saylor is over 40 years old and has worked for Defendants for many years.

116. Plaintiff Cathy Scott Herald is 55 years old and has worked for Defendants for 28 years.

117. Plaintiff Laurie Herald is 44 years old and has worked for Defendants for 23 years.

118. Plaintiff Alan Sefakis is 53 years old and has worked for Defendants for 17 years.

119. Plaintiff Judy Sexton is 56 years old and has worked for Defendants for 29 years.

120. Plaintiff Lori Seymour is 45 years old and has worked for Defendants for 21 years.

121. Plaintiff Joanne Shreve is 56 years old and has worked for Defendants for 24 years.

122. Plaintiff Angela K. Simons is 50 years old and has worked for Defendants for 30 years.

123. Plaintiff Kathy Sketch is 49 years old and has worked for Defendants for 23 years.

124. Plaintiff Pamela J. Smith is 41 years old and has worked for Defendants for 19 years.

125. Plaintiff Patricia J. Smith is 46 years old and has worked for Defendants for 17 years.

126. Plaintiff Lisa Starkey is 49 years old and has worked for Defendants for 23 years.

127. Plaintiff Ervin Stiers is 58 years old and has worked for Defendants for 29 years.

128. Plaintiff Linda Stiers is 57 years old and has worked for Defendants for 29 years.

129. Plaintiff Enid Sunderman is 44 years old and has worked for Defendants for 21 years.

130. Plaintiff Rebecca Taylor is 53 years old and has worked for Defendants for 23 years.

131. Plaintiff Anita Thomas is 52 years old and has worked for Defendants for 21 years.

132. Plaintiff Vicki Thomas is 47 years old and has worked for Defendants for 23 years.

133. Plaintiff Patricia Thornton is 44 years old and has worked for Defendants for 23 years.

134. Plaintiff Krista Torbeck is 48 years old and has worked for Defendants for 23 years.

135. Plaintiff Chris Tuke is 45 years old and has worked for Defendants for 21 years.
136. Plaintiff Diane Tull is 56 years old and has worked for Defendants for 8 years.
137. Plaintiff Teresa Turner is 44 years old and has worked for Defendants for 23 years.
138. Plaintiff Theresa Tye 47 years old and has worked for Defendants for 18 years.
139. Plaintiff Juliana Utz is 45 years old and has worked for Defendants for 22 years.
140. Plaintiff Gail Walter is 45 years old and has worked for Defendants for 24 years.
141. Plaintiff Nancy Walz is 43 years old and has worked for Defendants for 22 years.
142. Plaintiff Phyllis Wellman is 52 years old and has worked for Defendants for 32 years.
143. Plaintiff Jannifer West is 53 years old and has worked for Defendants for 30 years.
144. Plaintiff Gayla Wintzinger is 47 years old and has worked for Defendants for 22 years.
145. Plaintiff Shauna Zamora is 51 years old and has worked for Defendants for 25 years.
146. In addition to the above-described Plaintiffs, various persons who are employees of the Company and who are similarly situated to the Plaintiffs will file written consents to join this action as "opt-in" plaintiffs as to the federal claim.
147. Plaintiffs have exhausted their administrative remedies by filing Charges of Discrimination with the Equal Employment Opportunity Commission ("EEOC") and receiving Notice of Suit Rights from that agency.

JURISDICTION AND VENUE

148. This is a "collective" and class action authorized by and instituted under the ADEA, the FLSA, and Rule 23, F.R. Civ. P.
149. This Court has diversity jurisdiction over all Counts in this matter pursuant to 28

U.S.C. § 1332, as the parties to this action are completely diverse and the amount in controversy exceeds \$75,000.00.

150. Count I of the Complaint is based on federal law. As to Count I, this Court has jurisdiction pursuant to 28 U.S.C. Section 1331.

151. Written consents to join this action as to the federal claims of age discrimination, as and when executed by other individual plaintiffs, will be filed pursuant to §16(b) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 et seq.

152. Counts II and III of the Complaint are based on Ohio law. This Court has supplemental jurisdiction over Counts II and III.

153. Venue lies in the Southern District of Ohio, Western Division, pursuant to 28 U.S.C. 1391(c).

154. Defendants committed age and/or sex discrimination when they decided to close their Cincinnati Reservation Office and terminate employment at the Cincinnati Reservations Office, effective August 15, 2008, because of the age and/or sex of its Cincinnati Reservations Office employees.

RELIEF SOUGHT

155. This is a proceeding for: (a) back pay; (b) front pay; (c) lost benefits, including but not limited to lost pension or retirement benefits; (d) liquidated damages; (e) declaratory judgment; (f) injunctive and affirmative relief requiring that the Defendants reinstate Plaintiffs and those terminated employees of the class they represent; (g) punitive damages and compensatory damages; (h) attorney fees; and (i) such other relief as may be appropriate.

NATURE OF CLASS ACTION

156. Pursuant to Local Rule 23.2, Plaintiffs bring this action on their own behalf, pursuant to 29 U.S.C. 216(b) for Count I and Rule 23, F. R. Civ. P. as to Counts II and III, and on behalf of all

other persons similarly situated who (1) are at least 40 years old, have been, are being, or will be adversely affected by the Company's unlawful conduct; and/or (2) are female, have been, are being, or will be adversely affected by the Company's unlawful conduct. The "classes" which Plaintiffs seek to represent and/or for whom Plaintiffs seek the right to send "opt-in" notices for purposes of the collective action, and/or of which Plaintiffs are themselves members, are composed of and defined as follows:

(1) All persons, male and female, in the former employ of the Company, who:

- (a) were at least 40 years of age;
- (b) were employed by Defendants at the Cincinnati Reservations Office;
- (c) will be involuntarily discharged, laid off, terminated, forced to commute and/or accepted "early retirement;"
- (d) were subjected to such adverse employment actions as described in (c) pursuant to or in connection with Defendants' decision to close its Cincinnati Reservations Office.

(2) All persons in the former employ of the Company, who:

- (a) are female;
- (b) were employed by Defendants at the Cincinnati Reservations Office;
- (c) will be involuntarily discharged, laid off, terminated, forced to commute and/or accepted "early retirement;"
- (d) were subjected to such adverse employment actions as described in (c) pursuant to or in connection with Defendants' decision to close its Cincinnati Reservations Office.

157. Plaintiffs are unable to state at this time the exact size of the potential class but, upon information and belief, aver that it approximates 275 persons. Written consents will be filed as additional opt-in plaintiffs elect to join the class under the ADEA.

158. As set forth herein, this collective action and class action meet the requirements for being maintained and prosecuted as a class action in that the Plaintiffs and opt-in plaintiffs are all similarly situated.

159. Plaintiffs will fairly and adequately represent and protect the interests of the members of the class. The interests of the representatives and the interests of all class members are aligned.

Plaintiffs are attempting to benefit all class members. Each of the class members has been discriminated against by Defendants and wrongfully terminated on account of their age and/or sex. Each Plaintiff shares the same interest as each class member - full and fair compensation for damages resulting from Defendants's misconduct. The fact that Plaintiffs' claims are typical of the claims of the class ensures that Plaintiffs will preserve the interests of all class members. Plaintiffs do not have any interest that competes with the interests of other class members because by pursuing their own interest, Plaintiffs advance the interests of the entire class. Plaintiffs have begun establishing a fund to defray the expenses incurred in pursuing this litigation. There are no potential conflicts of interest between the proposed class representatives and the members of the class. The claims of all parties arise from an identical fact pattern and are based upon identical theories of law.

160. The allegations by Plaintiffs contain common questions of law and fact. Plaintiffs, therefore, satisfy the requirement of Rule 23(a)(2) that the litigation involve "questions of law or fact common to the class." In the present case, the common issues of law and fact are abundant. Specifically, there are common questions of fact regarding Defendants's conduct and representations, such as:

A. Did Defendants consider the age of its workforce before they chose to close the Cincinnati Reservations Office?

B. Did Defendants consider the sex of its workforce before they chose to close the Cincinnati Reservations Office?

C. Did Defendants replace members of the class with younger and/or male less qualified employees?

D. Does Defendants' offer of other employment out of state excuse otherwise unlawful conduct?

Likewise, there are numerous common issues of law, such as:

- A. Did Defendants discriminate against the class on account of their age?
- B. Did Defendants discriminate against the class on account of their sex?
- C. Has the class been injured by Defendants' conduct?
- D. Was Defendants' conduct willful and undertaken with such disregard and recklessness as to allow the class to recover punitive damages?

161. Plaintiffs' claims focus entirely on Defendants' wrongful conduct and thus are typical of the claims of the class. Plaintiffs assert claims involving specific actions taken by Defendants affecting the entire class. Plaintiffs do not make any claims involving activities affecting only a limited number of Plaintiffs. Consequently, Plaintiffs meet the typicality requirement because their claims arise from the same event or course of conduct that gives rise to claims of other class members and the claims are based on the same legal theories. Each legal claim by the Plaintiffs mirrors the legal claims each class member has against Defendants.

RESORT TO ADMINISTRATIVE PROCEDURES

162. As of June 2, 2008, within the time prescribed by 29 U.S.C. 626(d) of the ADEA, Plaintiffs Denise Abt, Larry Averbeck, Karen Baillie, Cynthia Baker, Sharyn Barbica, Marvelene Barr, Tamara Barton, Sheila Battle, David Bennett, Nancy Bingham, Melissa Blankenship, Michelle Bors, Elaine Brock, Shirley Brooks, Dianna Cameron-Thomas, LaVerne Chancellor, Pamela Childers, Mary Beth Conradi, Kim Crosby, Rochell Dawson, Deborah Dorsel, Lori Duenhoft, Nancy Egan, Kelly Elam, Jill Elsener, Edward Emrath, Vernice Fessel, Mary Fetick, Lynne Glandorf, Gary Goodwin, Holly Greene, Janice Gruber, Jean Haley, Vivian Harvey, Gregory Hastings, Sharon Hazard, Mary Hedrick, Elizabeth Helbling, Janet Henderson, Lori Herald, Julie Hunley, Amiel Israel, Theresa Janszen, Darryl Jones, Derryn Jones, Grace Ann Kilgore, Amy Kindt, Deborah Koester, Gail Komnenovich, Donna Langenbrunner, Susan Larson, Nancy Leedy, Laura Lehmkuhl, Madeline Longmire, Gina Marquardt, Suzanne Martin, Donna Maupin, Sharon Meece, Ursula

Minor, Lisa Nessler, Linda Marie Niehaus, Jeanie Norton, LeeAnn O'Rourke, Shermaine Owens, Louise Pfaehler, Robin Pottebaum, Charles Reynolds, Lana Robinson, Deborah Rogers, Suzanne Sanchez, Michael Scherpenberg, Judy Sexton, Lori Seymour, Kathy Sketch, Pamela Smith, Patricia Smith, Lisa Starkey, Lora Stephenson, Ervin Stiers, Linda Stiers, Diane Stricker, Rebecca Taylor, Patricia Thornton, Krista Torbeck, Christopher Tuke, Diane Tull, Theresa Turner, Theresa Tye, Juliana Utz, Gail Walter, Nancy Walz, Sharron Watkins, Phyllis Wellman, Benita Simpson Williams, Patricia Mann Williams, Gayla Wintzinger, and Cynthia Wise, by a written charge, on behalf of themselves and all other persons similarly situated, filed a charge and complaint of age discrimination against the Company under the ADEA with the federal Equal Employment Opportunity Commission ("EEOC"). In substance, said charges asserted that Defendants' decision to terminate employment at its Cincinnati Reservations Office constituted age and/or sex discrimination against Plaintiffs and all other persons similarly situated in that it wrongfully and involuntarily terminated them from employment at the Cincinnati Reservations Office because of age.

COUNT I

(Age Discrimination in Violation of the ADEA)

163. The Plaintiffs reallege each and every allegation set forth in paragraphs 1 through 162 of the Complaint.

164. Defendants operate their Cincinnati Reservations Office in Cincinnati, Ohio.

165. Plaintiffs are long term employees of Defendants at Defendants' Cincinnati Reservations Office.

166. The Cincinnati Reservations Office employs 275 agents between the ages of 40 and 54.

167. Of these 275 agents 248 are female.

168. On October 10, 2007, Defendants announced that it intended to close the Cincinnati Reservation August 15, 2008.

169. The announcement came from Bella Goren, Senior Vice President of Customer Service and Reservation Sales. At that time, some “options” were given to employees impacted by the closure.

170. Plaintiffs were offered a transfer to an office out of state.

171. Plaintiffs were offered severance of employment with maximum of 13 weeks severance pay and an additional \$12,500 for agents with a protection package.

172. Plaintiffs 55 years old could retire with severance and protection package (if applicable). Plaintiffs between 50 and 55 years old could sever from employment with Defendants and apply for retirement benefits after turning 55.

173. Defendants also offered Plaintiffs a Home-Based Workers program.

174. Home Based employees have a different pay and insurance structure than Cincinnati Reservations Office employees. Home Based employees only earn up to \$15.00 per hour, have no paid vacation, do not receive retiree medical benefits, and do not receive sick pay. Home Based employees must self-fund their medical benefits.

175. Most Cincinnati Reservations Office employees would lose \$6.00 in hourly pay, retiree medical benefits, company funded medical benefits, paid sick time, holiday pay, and paid vacation time, were they to have accepted Home Based employment.

176. To transfer to a different state would be materially impracticable for Plaintiffs. To commute to a different state would entail tremendous economic expenditure.

177. Defendants knew that transferring to a different state would be materially impracticable for its Cincinnati Reservations Office employees.

178. Defendants withdrew the Home-Based Workers offer on February 20, 2008, as fewer than 50 Cincinnati Reservations Office employees had accepted the offer by February 18, 2008.

179. Defendants recently posted openings for 200 employees in the Advantage and International Advantage departments.

180. The only "options" available to Plaintiffs and the proposed collective and class are involuntary discharge, lay-off, termination, out-of-state commute or "early retirement"

181. Plaintiffs' relatively high rates of pay are a function of their age, inasmuch as the rates of pay were dependent upon many successful years of service.

182. Many Cincinnati Reservations Office employees are being replaced by lower cost, less senior, younger and/or male employees.

183. Defendants have intentionally and wilfully engaged in a series of unlawful acts, practices, policies, and procedures in violation of the ADEA.

184. The several practices have been part of a systematic and concerted staff reduction program and/or layoff program extensively designed to reduce operating expenses by means of layoffs and terminations.

185. Defendants' conduct reflects, in both purpose and effect, a blatant and willful pattern of age discrimination. The Company's discriminatory activities have included, but have not been limited to, the following:

- (a) Designing, establishing, implementing and maintaining employee retention and elimination procedures, policies and practices which have been unlawful and discriminatory in purpose and/or impact in terminating from employment qualified persons who are at least the age of 40 because of their age;
- (b) Establishing, implementing and maintaining other employment policies and practices which have been motivated by financial and cost-cutting considerations which in purpose and/or impact have otherwise adversely affected the employment status of persons who are at least 40 years of age.

186. As a consequence of the foregoing, the Company's Program has produced both a disparate adverse treatment of and a disparate adverse impact upon employees who are at least 40 years of age.

187. As a consequence of the foregoing, Defendants have produced both a disparate adverse treatment of and a disparate adverse impact upon employees who are at least 40 years of age.

188. In particular, Defendants have caused, directly and indirectly, the disproportionate elimination from the Company's job ranks of substantial numbers of employees are at least 40, including Plaintiffs and the collective and class they represent.

189. The above-described pattern and practice of systematic and concerted discrimination complained of by Plaintiffs has similarly affected all other members of the class so that the claims of such class members are common and typical to each other.

190. Defendants' unlawful conduct directly and proximately caused the named Plaintiffs and all others similarly situated to suffer damage for which they are entitled to judgment.

COUNT II

(Age Discrimination Violation of State Law)

191. Plaintiffs reallege Paragraphs 1 through 190 of the Complaint as if fully rewritten herein.

192. Plaintiffs and all others similarly situated were all experienced and well qualified for their positions with the Company and their work performance was consistently satisfactory.

193. On or about October 10, 2007, Plaintiffs and all others similarly situated were notified that their services were no longer needed at the Cincinnati Reservations Office, effective August 15, 2008.

194. The terminations of Plaintiffs from the Cincinnati Reservations Office and all others similarly situated are part of a systematic and concerted staff reduction program and/or lay off program extensively designed to reduce operating expenses by means of lay offs and terminations

195. Defendants chose to close its Cincinnati Reservations Office and terminate Plaintiffs' employment there and the employment there of all others similarly situated because of their age in violation of Ohio Revised Code §4112.02 and they are entitled to judgment pursuant to Ohio Revised Code §4112.99.

196. Defendants' willful, intentional and unlawful conduct directly and proximately caused damages to Plaintiffs and all others similarly situated for which they are entitled to judgment.

COUNT III

(Sex Discrimination in Violation of State Law)

197. Plaintiffs reallege Paragraphs 1 through 196 of the Complaint as if fully rewritten herein.

198. Plaintiffs and all others similarly situated were all experienced and well qualified for their positions with the Company and their work performance was consistently satisfactory.

199. On or about October 10, 2007, Plaintiffs and all others similarly situated were notified that their services were no longer needed at the Cincinnati Reservations Office, effective August 15, 2008.

200. The terminations of Plaintiffs from the Cincinnati Reservations Office and all others similarly situated are part of a systematic and concerted staff reduction program and/or lay off program extensively designed to reduce operating expenses by means of lay offs and terminations.

201. Defendants chose to close its Cincinnati Reservations Office and terminate Plaintiffs employment there and the employment there of all others similarly situated because of their sex in

violation of Ohio Revised Code §4112.02 and they are entitled to judgment pursuant to Ohio Revised Code §4112.99.

202. Defendants' willful, intentional and unlawful conduct directly and proximately caused damages to Plaintiffs and all others similarly situated for which they are entitled to judgment.

WHEREFORE, Plaintiffs and all those similarly situated respectfully request that this Court grant Plaintiffs and the class they represent a permanent injunction enjoining Defendants, its agents, its successors, employees, and other representatives from engaging in or continuing to engage in any employment acts, policies, practices, or procedures which may discriminate, in purpose and/or impact, against any present or former employee of the Defendants on the basis of said employee's age and/or sex and award against the Defendants and in favor of the Plaintiffs and the class they represent actual damages for loss of revenue, including back pay, future earnings, pension adjustments, compensatory and punitive damages, and reasonable attorneys fees for prosecuting this action.

Respectfully submitted,

/s/ Tod J. Thompson
Randolph H. Freking (0009158)
Kelly Mulloy Myers (0065698)
Tod J. Thompson (0076446)
Attorneys for Plaintiffs
FREKING & BETZ, LLC
525 Vine Street, Sixth Floor
Cincinnati, OH 45202
Phone: (513) 721-1975/Fax: (513) 651-2570
randy@frekingandbetz.com
kmyers@frekingandbetz.com
tthompson@frekingandbetz.com

CO-COUNSEL FOR PLAINTIFFS

Dennis Alerding, Jr.
303 Greenup Street, Suite 300
Covington, KY 41011
Phone: (859) 431-8100

Eric D. Deters
5247 Madison Pike
Independence, KY 41051
Phone: (859) 363-1900/Fax: (859) 363-1444

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues so triable.

/s/ Tod J. Thompson

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. mail to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's System.

/s/ Tod J. Thompson